



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Public Notice Number: 200100633

Date: December 16, 2003

Comments Due: January 15, 2004

In reply, please refer to the Public Notice Number

TO WHOM IT MAY CONCERN:

SUBJECT: Application for a Department of the Army permit under authority of Section 404 of the Clean Water Act to discharge dredged or fill material into waters of the United States, including wetlands, (waters) as shown in the attached drawings.

APPLICANT: Gary Parker, Reynen & Bardis Development LLC, 9848 Business Park Drive, Suite H, Sacramento, CA 95827-1714

LOCATION: The approximately 592-acre project is located southeast of the intersection of Elk Grove Boulevard and Bruceville Road within the Laguna Ridge Specific Plan area of Elk Grove, in Sections 2 and 3, Township 6 North, Range 5 East, MDB&M, Sacramento County, California. See Figure 1 for a vicinity map.

PROJECT DESCRIPTION: The proposed project includes both single and multi-family residential housing, commercial development, parks, open space, and public uses, including a civic center, a water treatment plant, and school sites. The applicant has stated that the project is currently under review by the City of Elk Grove and the Elk Grove Community Services District; therefore, modifications to the size and/or configuration of the specific features described below may be made before final project approval. See attached Figure 3 for the proposed site plan.

The project would result in the loss of 6.38 acres of waters and wetlands. This total is comprised of 1.60 acres of channelized stream, 0.02 acre of wetland swale, 4.22 acres of vernal pools, and 0.54 acre of isolated vernal pools. See attached Figure 2 for a depiction of wetlands and waters on the project site. Although the 0.54 acre of isolated wetland features are not regulated under the Section 404 of the Clean Water Act, these wetlands are considered waters of the State of California and subject to regulation by the State Water Resources Control Board.

Housing & Flood Control The project proposes construction of approximately 1,800 single-family detached units within 19 Villages on approximately 386.5 acres, and 646 multi-family attached units on two sites totaling approximately 32.3 acres.

The channelized drainage will be rerouted from the pond/marsh area to the south, where it will discharge into a central drainage channel that will be constructed by others. This central drainage channel will carry runoff from the region westward to the to the regional drainage channel that has been constructed through the East Franklin Specific Plan area. The rerouted channelized drainage will be located within a parkway that will vary in width from approximately 79 feet to 94 feet through the project area. The channel will vary in width from 30 to 45 feet as measured at the top of bank and will have 3:1 side slopes. The channel bottom will be approximately 5 feet wide, with a meandering low flow channel. The parkway

will include landscape corridors and a 14-foot wide bicycle/pedestrian trail. Open metal fencing will be installed where residential lots abut the parkway.

The rerouted channelized drainage will maintain flows from localized drainage and from overflow from the pond/marsh area. Water from the pond will enter a culvert that will outfall into the rerouted channel west of Big Horn Boulevard. Approximately seven small outfalls, 12 inches to 36 inches in diameter, will also direct project runoff into the drainage. It is estimated that the ordinary high water mark of the drainage will correspond to a water depth of 2-3 feet. Based on this, the jurisdictional area of the rerouted channelized drainage will be approximately 1.7 acres. This is comparable to the area of the existing channelized drainage that would be filled.

The East Franklin Specific Plan Drainage Study (Study), developed in 1998 and approved by the County of Sacramento Water Agency, called for all drainage from the Laguna Ridge Specific Plan area to be directed south to a central drainage channel, which would then carry the regional drainage west through the East Franklin Specific Plan area. The infrastructure installed for existing development in the East Franklin Specific Plan area west of the project site has been sized based on the Study. Therefore, it is not possible to direct drainage from the project site into the channelized drainage at its existing location; the channel eventually enters a storm drain system at Elk Grove Boulevard west of the project site. The storm drain system is not sized to accommodate 100-year flows from the project site. Figures 4, 5, and 6 show the proposed storm drains, water sheds, and sewer line, respectively.

In a pre-application meeting with the Corps on August 4, 2003, the Corps expressed concern that rerouting the channelized drainage on the project site to the south would cut off the occasional flows from the channelized drainage that entered the culverts under Bruceville Road to a drainage preserve on adjoining property to the west of the project site. To address this issue, the project will be designed so that a localized drainage area at the northwest corner of the project site will be directed to the three existing 18-inch culverts that carry drainage to the property to the west. This will generate 2-year flows of approximately 2 cfs, and will provide seasonal flows to the channel on the west side of Bruceville Road.

Commercial Development/Civic Center Commercial development is proposed for five parcels totaling approximately 87.7 acres within the project area, which would include both shopping centers and restaurants. A civic center will also be constructed on approximately 20.9 acres along Elk Grove Boulevard.

Water Treatment Plant The proposed project includes construction of a new groundwater treatment and storage facility and seven water supply wells. One well will be located at the treatment plant site, four additional off-site wells will be installed to the south and west of the treatment plant, and two off-site wells will be installed south and east of the treatment plant. The treated water will be stored on-site and then pumped to the Zone 40 water supply system via existing pipelines. The treatment plant and wells will replace existing facilities that do not meet the Environmental Protection Agency's recently adopted revised Maximum Contaminant Level (MCL) for arsenic in drinking water. The plant will serve existing residences as well as future residences. See Figure 6 for a depiction of proposed sewer utilities.

Schools Approximately 23.9 acres of the project area will be dedicated for two school sites.

Parks and Parkways Four parks will be constructed on approximately 48.6 acres, in addition to approximately 19.8 acres of parkways. The parkways include open drainage channels with associated trails and landscape corridors. The pond/marsh area will be preserved within a neighborhood park site. The pond will be fenced with open fencing, such as post-and-cable, to discourage disturbance while allowing unrestricted views.

Mitigation The applicant has proposed mitigation for impacts to the 0.45 acre of potential habitat for the Federally-listed vernal pool crustaceans at the ratios specified in the USFWS' *Programmatic Formal Endangered Species Act Consultation on Issuance of 404 Permits for Projects with Relatively Small Effects on Listed Vernal Pool Crustaceans Within the Jurisdiction of the Sacramento Field Office, California*. Preservation credits for direct/indirect effects to potential habitat at a 2:1 ratio equals 0.90 acre. Restoration credits for direct effects to potential habitat at a 1:1 ratio equals 0.45 acre. The applicant has also stated that 4.33 acres of vernal pools and wetland swale are not habitat for the Federally-listed crustaceans, and will be mitigated via the purchase of vernal pool restoration credits at a 1:1 ratio.

Furthermore, the applicant states that there will be no net loss in jurisdictional acreage of the channelized drainage as a result of its relocation, and because riparian trees will be impacted, the applicant proposes to purchase 1.6 acres of riparian credits from an approved mitigation bank. All mitigation credits will be purchased from Corps and USFWS-approved mitigation banks, and will be purchased prior to work in any waters or non-jurisdictional wetlands.

AREA DESCRIPTION: The project site is comprised of several parcels that until recently were under separate ownership. Historically, the predominant land use in the Laguna Ridge Specific Plan area has been agricultural. The majority of the properties have been leveled and hydrologically modified by the construction of ditches and the application of irrigation water. Single-family residential subdivisions and commercial developments have been or are currently under construction on the properties to the north and west of the project site. The properties to the east and south of the project site are currently managed as irrigated pasture and crop land; however, the City of Elk Grove's Draft General Plan designates these areas for urban development.

Pond/Marsh The pond, located at the eastern property boundary, was created by past excavation. It receives seasonal drainage from several ditches that drain into the eastern portion of the pond, and is connected by a culvert to a channelized drainage that bisects the project area. The pond is inundated during the winter and spring months, and in most years sustains inundation into middle or late June.

Wetland habitat within the pond consists of emergent marsh dominated by broad-leaf cattail (*Typha latifolia*), smartweed (*Polygonum sp.*), tall flatsedge (*Cyperus eragrostis*), and knotgrass (*Paspalum distichum*). Other common species include penny royal (*Mentha pulegium*), hardstem bulrush (*Scirpus acutus*), and curly dock (*Rumex crispus*). The perimeter of the pond supports riparian habitat characterized by Goodding's black willow (*Salix Gooddingii*), willows (*Salix sp.*), Himalaya blackberry (*Rubus procerus*), and Fremont cottonwood (*Populus fremontii*).

Channelized Drainage The Corps determined that a channelized drainage that extends from the pond/marsh area westward to Bruceville Road is jurisdictional. This feature has historically been utilized as an irrigation ditch, and the property generally drains from both the eastern and western property boundaries towards an irrigation sump area in the center the drainage. During periods of sustained high flow, some drainage does exit the project site via the channelized drainage, where it enters three culverts under Bruceville Road. The three culverts connect with a channelized drainage on the property on the west side of Bruceville Road. A portion of the drainage west of Bruceville Road has been established as a riparian preserve as part of another Corps permit (#200100641). Scattered trees are located along the western end of the drainage on the project site, including oaks and willows.

Vernal Pools There are six vernal pools located at the northeast corner of the project site. They occur in defined depressions that experience long-term seasonal ponding conditions sustained by rainfall and surface run-off. Deeper portions of the pools are dominated by slender popcorn flower (*Plagiobothrys stipitatus*), smooth goldfields (*Lasthenia glaberrima*), and coyote thistle (*Eryngium vaseyi*). The shallow portions are characterized by vernal pool mint (*Pogogyne zizyphoroides*), purple hairgrass (*Deschampsia danthonoides*), Mediterranean barley (*Hordeum hystrix*), perennial rye (*Lolium perenne*), annual rabbit-

foot grass (*Polypogonmonspeliensis*), purslane speedwell (*Veronica peregrina*), and downingia (*Downingia sp.*). All of these vernal pools were determined by the Corps to be isolated and non-jurisdictional.

There are an additional 19 vernal pools at the southern end of the project site. The majority of the pools in this area are dominated by slender popcorn flower, managrass (*Glyceria declinata*), and perennial rye. Common associates include two-horned downingia (*Downingia bicornuta*), ornate downingia (*Downingia ornatissima*), purslane speedwell, Lemmon's canarygrass, and toad rush (*Juncus bufonius*). One vernal pool in this southern area was determined by the Corps to be isolated and non-jurisdictional. This pool is located within a closed basin that appears to have been excavated as a recreational pond. The vernal pool lacks a surface hydrological connection to the other vernal pools on the site, and the other vernal pools drain away from this feature.

ADDITIONAL INFORMATION:

Threatened and Endangered Species The applicant has stated that the following Federally-listed species may be present in the project area; Vernal pool tadpole shrimp (*Lepidurus packardii*) and Vernal pool fairy shrimp (*Branchinecta lynchi*). The applicant has assumed the presence of these species in one or more vernal pools on the project site. Additionally, the Corps has determined the project may affect the Federally-listed as threatened giant garter snake (*Thamnophis gigas*) and Federally-proposed for listing as threatened California tiger salamander (*Ambystoma californiense*). The Corps has initiated consultation with the USFWS under Section 7 of the Endangered Species Act for potential impacts to these species.

Cultural Resources Peak and Associates conducted a cultural resources assessment for the Laguna Ridge Specific Plan and EIR; no prehistoric archaeological resources were identified on the project site. Several historic-era buildings were identified within the Specific Plan area, two of which were recommended for further study. Both of these buildings are located on Poppy Ridge Road, southeast of the project site. The Grove at Laguna Ridge project will not affect any properties that are listed or eligible for listing in the National Register of Historic Places. The applicant states that if during grading activities previously unknown cultural resources are unearthed, work will stop until such resources can be evaluated by a qualified archaeologist, and the appropriate state and federal laws are complied with.

Alternatives Analysis The applicant is currently preparing an analysis of alternatives, including on-site avoidance and minimization and off-site alternatives, in compliance with Section 404(b)(1) of 40 CFR Part 230.

Other Authorizations: The applicant has stated that he is concurrently applying for a California Department of Fish & Game 1603 Agreement and Regional Water Quality Control Board Section 401 Certification. A City of Elk Grove Grading Permit will be applied for after issuance of a Section 404 Clean Water Act permit.

Related Documents

- September 2003, Laguna Ridge Specific Plan, Final Environmental Impact Report, (Available on the City of Elk Groves web-site www.egplanning.org/environmental)
- June 2003, Laguna Ridge Specific Plan, Revised Draft Environmental Impact Report, Vol. I & II
- July 2002, Drainage Master Plan for Laguna Ridge Specific Plan, Sacramento, California
- January 30, 2003, Laguna Ridge Specific Plan Water Study, Elk Grove, California
- October 2003, Laguna Ridge Specific Plan, City of Elk Grove, California
- September 4, 2002, Sewer Master Plan for Laguna Ridge Specific Plan, Sacramento, California

The District Engineer has made these determinations based on information provided by the applicant and on the Corps' preliminary investigation.

Interested parties are invited to submit written comments on or before **January 15, 2004**. Personal information in comment letters is subject to release to the public through the Freedom of Information Act.

Any person may request, in writing, within the comment period specified in this notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

This public notice may also be obtained through our web-site at <http://www.spk.usace.army.mil/cespk-co/regulatory>. If additional information is required, please contact the applicant at 916-366-3665, his consultant, Ginger Fodge with Gibson & Skordal, at 916-569-1830, or Justin Cutler, at the letterhead address, e-mail: Justin.Cutler@usace.army.mil, or telephone 916-557-5258.

Mark W. Connelly
Lieutenant Colonel,
Corps of Engineers
Acting District Engineer

Attachments: 6 Drawings